

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

AUG 19 2011

CLERK, U.S. DISTRICT COURT
BY AC DEPUTYIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

JOHN JOSEPH BAUMGARTNER

v.

2:09-CV-015

UNITED STATES OF AMERICA

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§
§**ORDER ADOPTING REPORT AND RECOMMENDATION and
DENYING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Came for consideration the motion to vacate, set aside or correct sentence by a person in federal custody filed by defendant. On August 3, 2011, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be denied. No objections to the Report and Recommendation have been filed.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby ADOPTS the Report and Recommendation. Accordingly, the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by defendant is, in all things, DENIED.

IT IS SO ORDERED.

ENTERED this 19th day of August 2011.

 MARY LOU ROBINSON
 UNITED STATES DISTRICT JUDGE